



Docket No. 3828-4000US1

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant:	Gelber	Confirmation No.	9860
Serial No.:	09/995,522	Group Art Unit:	1642
Filed:	November 28, 2001	Examiner:	L. Helms
For:	Myeloma Cell And Ovarian Cancer Cell Surface Glycoprotein, Antibodies Thereto, and Uses Thereof		

**DECLARATION OF COHAVA GELBER UNDER 37 C.F.R. §1.132**

Mail Stop AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

I, the undersigned, Cohava Gelber, declare and state that:

1. I am the inventor of the above-identified application.
2. I submit this Declaration in support of the Amendment Under 37 C.F.R. §1.116 submitted by of Molecular Discoveries, LLC in response to the final Office Action mailed July 29, 2004 from the United States Patent & Trademark Office.
3. I have read and understand U.S. Patent Application Serial No. 09/995,522, including the claims. I have also reviewed the final Office Action dated July 29, 2004 concerning the above-identified patent application, and in particular the Examiner's contention that claims 18-20, 25-29, 65-69, 73-78 and 80-85 are not enable by the specification such that any person skilled in the relevant art could practice the invention commensurate with the scope of the claims.

4. I, Cohava Gelber, together with Pamela Krueger, Christina Nitz, Jason Moore, Randi Foster, and Oren Gelber, co-authored the paper entitled, "Monoclonal Antibody Identifies a Distinctive Epitope Expressed by Human Multiple Myeloma Cells" (2001, *Journal of Immunotherapy* 24(4):334-344). The Krueger et al. paper reports *in vitro* and *in vivo* cancer-specific cytotoxicity of monoclonal antibody VAC69 against multiple myeloma.
5. Monoclonal antibody VAC69 used the Krueger et al. paper is monoclonal antibody MA69 described in the instant specification. The hybridoma cell line IMM002.69.47.4 that was deposited with the American Type Culture Collection (at 10801 University Boulevard, Manassas, VA 20110-2209) on August 3, 1999 and assigned Accession No. PTA-450 produces monoclonal antibody MA69.
6. I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the above-referenced application or any patent issuing thereon.

Date: \_\_\_\_\_

1/12/05

Cohava Gelber  
Cohava Gelber, Ph.D.